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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/782,164	02/14/2001	Tetsuro Motoyama	194536US-2	8311

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EXAMINER	
TRUONG, LECHI	

ART UNIT	PAPER NUMBER
2194	

DATE MAILED: 04/14/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/782,164	MOTOYAMA ET AL.	
	Examiner	Art Unit	
	LeChi Truong	2194	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *14 December 2005*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-24* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-3,8-10,15-17 and 22-24* is/are rejected.

7)☒ Claim(s) *4-7,11-14 and 18-21* is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

WILLIAM THOMSON
SUPERVISORY PATENT EXAMINER

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

1. In view of the Appeal Brief filed on 12/14/2005 , PROSECUTION IS HEREBY REOPENED. New grounds of rejection are set forth below.

To avoid abandonment of the application, appellant must exercise one of the following two options:

(1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,

(2) initiate a new appeal by filing a notice of appeal under 37 CFR 41.31 followed by an appeal brief under 37 CFR 41.37. The previously paid notice of appeal fee and appeal brief fee can be applied to the new appeal. If, however, the appeal fees set forth in 37 CFR 41.20 have been increased since they were previously paid, then appellant must pay the difference between the increased fees and the amount previously paid.

2. Claims 1-24 are presented for the examination.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3. Claims 1-3, 8-10, 15, 16-17, 22-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fontana et al (US. 6,237,143 B1) in view of Knight (US. Patent 6,126,330) and further in view of Fraenkel et al (US. 6,654,949 B1).

As to claim 1, Fontana teaches the invention substantially as claimed including: a monitoring device (a monitor file 37, col 6, ln 25-39/ ln 60-67/ file filter software module, col 7, ln 45-67), a first one of the plurality of target applications (tool 17/ tool wrapper 30, col 6, ln 25-39/ ln 60-67/ file filter software module, col 7, ln 45-67), an interface (start monitoring, col 7, ln 45-65), identification of the first one of the plurality of target applications (col 7, ln 45-65), start monitoring usage of the first one of the plurality of target application(monitoring and capturing a pattern of all file usage of each of said software tools, col 8, ln 47-55), information regarding monitored usage (the details about the tool 17, col 6, ln 25-40), first predetermined destination(a separate file called a monitor file 37, col 6, ln 30-39).

Fontana does not explicit teach object oriented method of colleting information, storing, by the monitor device, information regarding monitored usage, to send the stored information regarding monitored usage of the first one of the plurality of target applications to a first predetermined destination. However, Knight teaches object-oriented method of colleting information (object oriented programmed application for providing feedback of user interaction with an application, col 3, ln 17-22/ the open class library and function provided in the visualAge C++ products are used by the user/developer, col 5, ln 5-12/ col 48-55), storing, by the monitor device, information regarding monitored usage (the monitor object writes predefined data including any annotation from monitor input file 13 to the monitor out put file 21, col 8, ln 29-35), to send the stored information regarding monitored usage of the first one of the plurality of target applications to a first predetermined destination(Monitor output file 21 is created and can be saved on a disk, for example, and subsequently provided in appropriate manner to the developer for analysis, col 8, ln 32-37/ Fig.3).

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to combine the teaching of Fontana and Knight because Knight's "object oriented programmed application for providing feedback of user interaction with an application/ the open class library and function provided in the visualAge C++ products are used by used by the user" would improve the efficiency of Fontana and Knight's systems by making development of object oriented applications faster, easier and less error-prone.

Fontana and Knight do not explicit teach requesting the monitoring device, by the first of the plurality of target applications, through the interface to send the stored information to predetermined destination. However, Fraenkel teaches requesting the monitoring device, by the first of the plurality of target applications, through the interface to send the stored information to the predetermined destination (the servlet communicates to the execution monitor via the socket 38. The servlet informs the monitor of the name of ... as well as retrieve 116 the instrumented servlet source code 32. In a preferred embodiment, the instrumentation is removed from the instrumented servlet source code before presentation on the execution monitor GUI, col 9, ln 17-25/ This process allows the execution monitor to synchronize the line of the executing instrumented servlet source code in the servlet, col 7, ln 59-65/ a second file 32 that contains the instrumented source code 27 received from the page compiler 24; execution monitor 34 for reading the instrumented servlet source code 27, the output from servlet 26 and the JSP code 22, for receiving information from servlet 26 based on the instrument contained in the servel, for displaying selected information about the execution of the JSP code filed to the developer on the graphical user interface (GULI) 36 , col 5, ln 53-63/ the execution monitor now has access to and can display to a user at least the name to the currently execution servlet, col 10, ln 48-56).

The servlet sent the socket 38 to the execution monitor 34 for retrieving information of the servlet and sent this information to the GUI.

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to combine the teaching of Fontana, Knight and Fraenkel because Fraenkel 's requesting the monitoring device, by the first of the plurality of target applications, through the interface to send the stored information would improve the efficiency of Fontana and Kinght's systems by supporting execution trace and receiving in an execution monitoring information in the executable code for display on a user interface.

As to claim 2, Fontana teaches record a first event (col 7, ln 45-65).

As to claim 3, it is an apparatus claim of claim 1; therefore, it is rejected for the same reason as claim 1 above. In additional, Fontana teaches the second one of the plurality of target applications (tool 17, tool 16, col 5, ln 50-67/ Fig. 1).

As to claim 8, it is an apparatus claim of claim 1; therefore, it is rejected for the same reason as claim 1 above. In additional, Fontana teaches a first device, a second device, a third device (col 6, ln 25-45/ col 7, ln 45-65).

As to claim 9, it is an apparatus claim of claim 2; therefore, it is rejected for the same reason as claim 2 above. In additional, Fontana teaches a fourth device (col 6, ln 25-45/ col7, ln 45-65).

As to claim 10, it is an apparatus claim of claim 3; therefore, it is rejected for the same reason as claim 3 above. In additional, Fontana teaches a fifth device, sixth device, a seventh device (col 6, ln 25-45/ col7, ln 45-65).

As to claims 15, 16-17, they are apparatus claims of claims 1-3; therefore, they are rejected for the same reasons as claims 1-3 above.

As to claim 22, Knight teaches selectively determining, by the first one of the plurality of target applications, at least one type of event to be monitored by the monitoring device (col 8, ln 25-30).

As to claims 23, 24, they are apparatus claims of claims of claim 22; therefore, they are rejected for the same reason as claim 22 above.

Allowable Subject Matter

4. Claims 4-7, 11-14, 18-21 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to LeChi Truong whose telephone number is (571) 272 3767. The examiner can normally be reached on 8 - 5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomson, William can be reached on (571) 272 3718. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR of Public PAIP. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIP system, contact the Electronic Business Center (EBC) at 866-217-9197(toll-free).

LeChi Truong

April 3, 2006

WILLIAM THOMSON
SUPERVISORY PATENT EXAMINER